

Serial No.: 10/092,162

Docket No.: GOW 0091 PA/40329.111

Remarks

Claims 1-13 are pending in this application. The Examiner rejected all claims under 35 U.S.C. §102(e) as being anticipated by Levitt (U.S. publication US2002/0151327). Applicants respectfully assert that the §102(e) rejection should be removed in light of the following remarks. No new matter has been entered.

The Levitt reference does not anticipate the claimed invention because Levitt fails to teach or suggest all elements of the claimed invention. According to MPEP 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)."

Independent claim 1 recites, *inter alia*, a system of provisioning electronic field guides comprising a portable computing device being operable to present a listing of multiple data items and respond to a selection of one of the downloaded multiple data items by playing the corresponding multimedia data file. Similarly, independent claim 2 recites, *inter alia*, a method for provisioning electronic field guides wherein the portable computing device may present multimedia content to the end user. Further, independent claim 10 recites, *inter alia*, a portable electronic field guide comprising a display means for displaying a digital image and a speaker means for audibly reproducing a digital audio data file. Finally, independent claim 13 recites, *inter alia*, a portable electronic field guide for bird watching comprising a visual display configured to display a digital image of a bird, and a speaker for audibly reproducing a digital audio data file of a bird.

Levitt does not teach, expressly or inherently, all the elements of the claims. Specifically, Levitt fails to teach a portable handheld device operable to play multimedia data files or present multimedia content to the end user, as recited in claims 1 and 2 respectively, and also fails to teach a portable handheld device with a display means operable to display digital images or a speaker operable to audibly reproduce a digital audio data file as recited in both claims 10 and 13. Levitt is cited for teaching a system for adapting a personal computing device, such as a handheld PDA to enable a user to enact and review choices through wireless control of media playing devices. (Abstract) The examiner further cites Levitt for teaching that the interface of the handheld unit may control content choices in different playback and communication devices, including audio muting, pausing, selection of content from directories, surfing among elements

Serial No.: 10/092,162
Docket No.: GOW 0091 PA/40329.111

in a list. (page 3, ¶ 20). Levitt is also cited for teaching that the handheld unit may be personalized for the user by displaying prioritized tags for items in a list, such that tagged items are displayed as higher priority items in the list. (Page 7, ¶ 86). In essence, the Levitt handheld unit may display prioritized lists of multimedia content, and act as a remote for a separate entertainment devices, such as a television or stereo, by controlling what multimedia files are displayed on the TV or stereo, controlling the volume at which the files are displayed, etc. However, Levitt does not teach that the handheld itself is operable to play or present the multimedia content to the user as recited in claims 1 and 2. As a result, claims 1 and 2 and its dependent claims are not anticipated by the Levitt reference.

Similarly, Levitt does not teach or suggest all elements of claims 10 and 13. The Levitt handheld unit does not teach a display means for displaying digital images and also fails to teach a speaker means for audibly reproducing sound. As shown in Fig. 3, the Levitt handheld device solely displays text based lists of multimedia content, but fails to teach that the handheld device is operable to display the digital images corresponding to the items in the list. As stated above, the Levitt handheld device requires a separate device, such as a television, to display digital images. Moreover, Levitt is cited for controlling volume settings an entertainment device, such as a stereo; however, the Levitt fails to teach that the handheld unit itself comprises a speaker means of audibly reproducing the digital audio file as recited in claims 10 and 13. Accordingly, Levitt does not anticipate claims 10 and 13.


Additionally, Levitt fails to teach an electronic field guide for bird watching. As stated above, Levitt does not teach a portable field guide with a speaker means for audibly reproducing digital audio files; consequently, Levitt also fails to teach a speaker for audibly reproducing a digital audio data file of a bird. Furthermore, Levitt also fails to teach a portable field guide comprising a visual display configured to display a digital image of a bird. Thus, the Levitt reference fails to teach an electronic field guide for bird watching as recited in claim 13. Accordingly, independent claims 1, 2, 10, and 13, and its dependent claims thereon, are not anticipated by the Levitt reference, thus the § 102(e) rejection should be removed.

Serial No.: 10/092,162
Docket No.: GOW 0091 PA/40329.111

The Applicants respectfully submit that, in view of the above remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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